Kathleen Hartnett White, *Chairman*Larry R. Soward, *Commissioner*Martin A. Hubert, *Commissioner*Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 16, 2006

LaDonna Castaňuela Office of Chief Clerk Texas Commission on Environmental Quality P.O. Box 13087, Mail Code 105 Austin, Texas 78711-3087

Re: TCEQ Docket No. 2005-1516-UCR, Application by Tapatio Springs Service, Inc. to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in

Kendall County, Texas

Dear Ms. Castaňuela:

Enclosed for filing with the Texas Commission on Environmental Quality is the Executive Director's Response to Ratepayers' Letter Dated November 15, 2006.

If you have any questions, please call me at 239-0608.

Sincerely,

Jessica Luparello Staff Attorney

Environmental Law Division

Enclosures

cc: See Mailing List

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MAILING LIST TAPATIO SPRINGS SERVICE COMPANY, INC. SOAH DOCKET NO. 582-06-0425; TCEQ DOCKET NO. 2005-1516-UCR

FOR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS Mike Rogan Administrative Law Judge State Office of Administrative Hearings 300 West Fifteenth Street Austin, Texas 78701 (512) 475-4993 (512) 475-4994 Fax

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SOAH DOCKET NO. 582-06-0425 TCEQ DOCKET NO. 2005-1516-UCR

APPLICATION OF TAPATIO	§	BEFORE THE STATE OFFICE
SPRINGS SERVICE COMPANY, INC.	§	
TO AMEND CERTIFICATES OF	§	\mathbf{OF}
CONVENIENCE AND NECESSITY	§	
NOS. 12122 AND 20698 IN KENDALL	§	ADMINISTRATIVE HEARINGS
COUNTY, TEXAS		

THE EXECUTIVE DIRECTOR'S RESPONSE TO RATEPAYERS' LETTER DATED NOVEMBER 15, 2006

COMES NOW, the Executive Director ("ED") of the Texas Commission on Environmental Quality, by and through Jessica Luparello, a representative of the Commission's Environmental Law Division, and files this Response, as follows:

The ED objects to Ratepayers' attempt to submit new evidence, in the form of affidavits of W.E. West, Jr. and David Welch, after the record has closed. Allowing Ratepayers to submit new evidence prejudices the parties by robbing them of an opportunity to question Mr. West and Mr. Welch regarding statements made in their affidavits.

Ratepayers offer no worthy grounds for their request and instead merely continue to restate arguments which have been considered and ruled upon. The ED, therefore, supports Applicant's request that this matter be set for consideration by the Commissioners at the earliest possible time.

Respectfully Submitted,

TEXAS COMMISSION ON ENVIRONMENT QUALITY

Robert Martinez, Director Environmental Law Division by Jessica Luparello

State Bar of Texas No. 24035758

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Burnell Heart Committee of the Committee of the

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2006, a true and correct copy of the foregoing document was placed into United States Mail, hand delivered, faxed, or sent by interagency mail to all persons on the attached mailing list.

Jessica Luparello Staff Attorney

Environmental Law Division

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